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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,379	07/30/2001	Robert J. Kubala	WJT002-0018	9968

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ALCATEL USA
INTELLECTUAL PROPERTY DEPARTMENT
3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

EXAMINER	
HAILU, TADESSE	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/918,379	KUBALA, ROBERT J.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment entered on September 14, 2004.

2. The pending claims, 1 through 33 are examined herein as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 6, 10-13, 16, 17, 21-24, 27, 28, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al (US Pat No 5,961,591).

Jones et al. hereinafter "Jones" relates to information retrieval (download) in data-processing systems, and, more specifically, to the field of controlling the use of downloaded data.

With regard to claim 1:

Jones discloses a method for controlling the activation of a hyperlink on a web page (Fig. 8, column 6, lines 2-20). Jones also discloses composing web page (e.g., Fig. 6, #620) including dialog box ("permission dialog box") (Fig. 6, #630).

Jones also discloses enabling a user fetch the web page 620 and display the web page personal computer (Fig. #100) and the user selects a hypertext link on the

web page (column 6, lines 2-7) then the personal computer displays dialog box 630 ("the permission dialog box") which validates or screens the user to make sure that the user understands the characterization or the rating of the content to be downloaded before the user is allowed to view the page, wherein information associated with the content to be downloaded is presented to a user in a dialog box, so that an appropriate action can be taken by the user (see the dialog box in Fig. 5 or 6, column 6, lines 21-36).

With regard to claim 12:

Jones discloses a web host site (e.g. Fig. 10) including, among other things, a database, facility 132, Fig. 1 capable of storing a web page (e.g., 620) including a dialog box (e.g., 630) (permission dialog box) both of which were composed by a web page creator (column 6, lines 47-53).

Jones also discloses a processor (Fig. 1, #110) capable of enabling user download web page into a personal computer (Fig. 1) that displays the web page (e.g., 620) and also displays the dialog box e.g., 630 ("permission dialog box") when user selects hypertext link on the web page (column 6, lines 2-7), which validates or screens the user to make sure that the user understands the characterization or the rating of the content to be downloaded before downloading takes place, wherein information associated with the content to be downloaded is presented to a user in a dialog box, so that the appropriate action can be taken by the user (see the dialog box in Fig. 5 or 6, column 6, lines 21-36).

With regard to claim 23:

Jones discloses a method for validating or screening a user of rated content web page (column 1, lines 63-column 2, lines 19).

Jones also discloses downloading the web page into a personal computer used by the user (column 6, lines 2-20, Fig. 8, #801).

Jones also discloses displaying the web page on the personal computer (Fig. 6, #620).

Jones also discloses selecting a hypertext link on the displayed web Page (column 6, lines 2-7).

Jones also discloses displaying a dialog box (e.g., Fig. 5, #530 or Fig. 6, #630) (" permission dialog box") associated with the selected hypertext link (column 5, lines 35-65).

Jones further discloses screening the user to determine if the user comprehends information (e.g., the rating) displayed within the dialog box 530 or 630.

Jones further discloses retrieving the target web page (Fig. 7, #720) associated with the selected hypertext link if the user comprehends (confirms by entering the correct password) the information displayed in the dialog box 630 (column 5, lines 54-65).

With regard to claims 2, 13 and 24:

Jones further discloses that the personal computer terminates presenting the requested page (720) when user understands and presses the cancel button 533 within the dialog box 530 (column 5, lines 45-48).

With regard to claims 5, 16 and 27:

Jones also discloses that the dialog box includes a caution about the content of the target web page (e.g., this page may contain some or all of the following: nudity, sex, or language (see the dialog box cautions in Fig. 5 or 6).

With regard to claims 6, 17 and 28:

As illustrated in Figs. 5 or 6, Jones provides a password field to be filled by a user, wherein the user is advised that if he/she does not enter the correct password (i.e., the system monitors the validity of each password entry) he/she is not enable to view the content of the target web page.

With regard to claims 10, 21 and 32:

As illustrated in Fig. 4 and elsewhere, Jones discloses hypertext link (see the highlighted and underlined text of Fig. 4).

With regard to claims 11, 22 and 33:

As illustrated in Fig. 1, Jones discloses a personal computer for implementing his invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US Pat No 5,961,591) in view of Yeung et al (US Pub No 2002/0143640).

With regard to claims 4, 15 and 26:

Jones discloses a content advisor (e.g., within dialog box 530) that advises the user what type of information content the user is trying to view. But Jones does not disclose said information to be comprehended by the user is advertisement. Yeung et al provides a system and method by which an end-user can effectively communicate its approved product information or product specification to its sub-end-users. Yeung further discloses effectively presenting within a dialog box 200 advertisement information to a user so that the user understands and approves viewing and ordering a product (see Figs 6 through 10, paragraphs [0068] through [0070]).

Jones and Yeung are analogous art because they are from same field of endeavor, information processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the information content rating dialog box (e.g. 530 or 630) of Jones with the advertisement information dialog box (200) of Yeung because a service provider can more effectively manages any program that it wishes to communicate and support its users, such as by delivering effective advertisement to the end-user or customers (see paragraph [0008].

Therefore, it would have been obvious to combine Yeung with Jones to obtain the invention as specified in claims 4, 15 and 26.

6. Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US Pat No 5,961,591) in view of Wyatt et al (US Pub No 2002/0013833).

With regard to claims 7, 18 and 29:

Jones discloses a content advisor (e.g., within dialog box 530) that advise the user what type of information content the user is trying to view. But Jones does not disclose said information to be comprehended by the user is a notice that the target web page requires special browser plug-ins. Wyatt relates to a method and system for adapting, diagnosing, optimizing, and prescribing network-based application. Wyatt further discloses the client reporting, or suggesting (notice) actions to a user of requiring of a browser plug-ins, wherein the suggestion message is displayed in a dialog window (see paragraph [0054]).

Jones and Wyatt are analogous art because they are from same field of endeavor, information processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate and display the suggestion message (notice), that is, a user requiring a browser plug-ins as described by Wyatt with the content advisor (dialog box 530 or 630) of Jones because as known to those ordinarily skilled in the art, plug-ins or plug-in applications are supplementary programs to the user's web browser which assist the web browser to provide dynamic content that the web browser alone could not provide, such as playing sound or video.

Therefore, it would have been obvious to combine Wyatt with Jones to obtain the invention as specified in claims 7, 18 and 29.

7. Claims 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US Pat No 5,961,591) in view of Segan et al (US Pub No

2002/0029252).

With regard to claims 8, 19 and 30:

While Jones discloses advisory information or notice (within dialog box 530 or 630) about the target web site, but Jones does not disclose said notice or advisory information is associated with availability of the target page, that is, the target page is available only on certain dates or times. Segan relates to a system and method for viewing content over the Internet. Segan further discloses a service provider notifying a user the availability of the target web page or the desired content (see paragraph [0034]). Segan further discloses that certain character icons (within a web page) such as stock icon may be available only for a limited time or in a limited quantity (see Paragraph [0014]).

Jones and Segan are analogous art because they are from same field of endeavor, information processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide information within dialog box (e.g. 530 or 630) of Jones the notice regarding the availability of the desired content (target web page) of Segan because a service provider can more effectively manages any program that it wishes to communicate and support, such as timely enhancement and update of a target page to its end-users (see paragraph [00016]).

Therefore, it would have been obvious to combine Segan with Jones to obtain the invention as specified in claims 8, 19, and 30.

8. Claims 3, 14, 9, 20, 25 and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones et al (S Pat No 5,961,591) in view of Pinsley et al (US Pat No 6,189,029).

With regard to claims 3, 14, and 25:

While Jones discloses advisory information or notice (within dialog box 530 or 630) about the target web site, but Jones does not disclose a test within said dialog box to determine whether the user comprehend the information within said dialog box. Pinsley relates to a system for administering a survey or questionnaire (test) to a sample of users of a computer network and, more particularly, a system for administering a survey for Internet Web site visitors. Pinsley further discloses that a user may then be presented with a survey questionnaire (test) to be completed interactively (Fig. 4, column 4, lines 15-20).

Jones and Pinsley are analogous art because they are from same field of endeavor, information processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide information within dialog box (e.g. 530 or 630) of Jones with the survey (test) information of Pinsley because the survey information (test) provides an effective way of understanding the user and delivering advertising products and services to consumers, selling products and services directly to consumers and distributing information (Pinsley, column 1, lines 25-33).

Therefore, it would have been obvious to combine Pinsley with Jones to obtain the invention as specified in claims 3, 14, and 25.

With regard to claims 9, 20, and 31:

While Jones discloses advisory information or notice (within dialog box 530 or 630) about the target web site, but Jones does not disclose information to comprehend by the user is a survey in which the results of the survey can be forwarded to the creator of a third party. Pinsley relates to a system for administering a survey or questionnaire to a sample of users of a computer network and, more particularly, a system for administering a survey for Internet Web site visitors. Pinsley further discloses that a user may then be presented with a survey questionnaire to be completed interactively (Fig. 4, column 4, lines 15-20). After completion of the survey user submits to the service provider or creator of the survey by clicking the submit button (see Fig. 4).

Jones and Pinsley are analogous art because they are from same field of endeavor, information processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide information within dialog box (e.g. 530 or 630) of Jones with the survey information of Pinsley because the survey information provides an effective way of delivering advertising products and services to consumers, selling products and services directly to consumers and distributing information (Pinsley, column 1, lines 25-33)

Therefore, it would have been obvious to combine Pinsley with Jones to obtain the invention as specified in claims 9, 20, and 31.

Response to Arguments

7. Applicant's arguments filed September 14, 2004 have been fully considered but they are not persuasive. Applicant argues that none of the applied references teach or suggest "screening the user to determine if the user comprehends information displayed ". The Examiner disagrees because Jones describes the claimed subject matter. Jones discloses a software downloading facility including a content advisor dialog box to screen the user (Figs. 5-6, and 12). The content advisor advises the user (by displaying information) about the content of a web page (e.g. adult pornography) the user is downloading. It is up to the user to read and understand the displayed advice information. In fact, the facility may be applied in any situation in which the retrieval of data is subject to a user's response or some other asynchronous event. (column 8, lines 36-39). Furthermore, Jones describes comparing the content of the web page to the user's parameters, and determines it the content to be viewed is acceptable by the user (see Jones' claim 29, also see column 2, lines 29-36, column 8, lines 36-39). Furthermore, Jones describes screening objectionable content and unsafe code during downloading time (column 1, lines 56-60).

CONCLUSION

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

10 An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu
Art Unit 2173

12/14/2004

JOHN CABECA
SUPERVISORY PATENT EXAM
TECHNOLOG